

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL CASE NO. 5:23-cv-00064-MR**

<b>DAVID MEYERS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>JOHN DOES, et al.,</b>	)	<b>ORDER</b>
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court on Plaintiff's pro se "Motion to Vacate the Court Filing Fees" [Doc. 14].<sup>1</sup>

The incarcerated pro se Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983. [Doc. 1]. He argued that he should be permitted to proceed in forma pauperis, despite having three prior "strikes" pursuant to the Prison Litigation Reform Act, 28 U.S.C. § 1915(g), because he is in imminent danger of serious physical injury. [Doc. 4]. On initial review, the Court found that the Plaintiff failed to plausibly allege imminent danger and,

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<sup>1</sup> The Plaintiff has also filed a "Objection" to the Court's Order of dismissal arguing that his Complaint should not have been dismissed, and that he did not receive all pages of the Court's June 29 Order. [Doc. 15]. The Clerk will be instructed to mail the Plaintiff another copy of the June 29 Order as a courtesy. However, the Objection will not be addressed further here. [See Doc. 3 at ¶ 5 (Order of Instructions informing the Plaintiff that "[o]nly Motions will be ruled on by the Court.")].

accordingly, vacated the Order waiving the initial partial filing fee and directing monthly payments from his prisoner account [Doc. 8], denied his Application to proceed in forma pauperis [Doc. 4], and dismissed the Complaint without prejudice. [See Doc. 11].

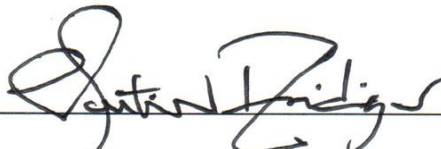
The Plaintiff now appears to move the Court to vacate its Order directing the prison to transmit funds from Plaintiff's prisoner trust account to cover pay the filing fee in this case because the Court erroneously dismissed the Complaint. [Doc. 14 at 1]. The Plaintiff's Motion to vacate the filing fee is moot because the Court already vacated the Order directing monthly payments from his prisoner account [Doc. 8], and instructed the Clerk's financial department to refund him any fees that have been collected. Accordingly, the Plaintiff's Motion is denied.

**IT IS, THEREFORE, ORDERED** that Plaintiff's pro se "Motion to Vacate the Court Filing Fees" [Doc. 14] is **DENIED AS MOOT**.

The Clerk is respectfully instructed to mail the Plaintiff a copy of the Court's June 29, 2023 Order [Doc. 11] and this Order.

**IT IS SO ORDERED.**

Signed: July 14, 2023

  
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Martin Reidinger  
Chief United States District Judge

